

FRIEDMAN, JAMES & BUCHSBAUM LLP

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MICHAEL KOCH,

23-cv-4059

Plaintiff,

**PLAINTIFF DEMANDS
A TRIAL BY JURY**

-against-

COMPLAINT

CITY OF NEW YORK,

**SEAMAN'S CASE UNDER
THE JONES ACT FOR
PERSONAL INJURIES**

Defendant.

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**SUITS UNDER SPECIAL RULE FOR SEAMEN TO
SUE WITHOUT SECURITY OR PREPAYMENT OF
FEES FOR THE ENFORCEMENT OF THE LAWS
OF THE UNITED STATES, COMMON AND STAT-
UTORY FOR THE PROTECTION OF AND FOR
THE HEALTH AND SAFETY OF SEAMEN AT SEA**

Plaintiff, MICHAEL KOCH, complaining of defendant, CITY OF NEW YORK,
by his attorneys FRIEDMAN, JAMES & BUCHSBAUM LLP, respectfully alleges as follows:

FIRST COUNT

1. Upon information and belief, at all times hereinafter mentioned, defendant, CITY OF NEW YORK, was a municipal corporation with offices within the State of New York and City of New York.

2. At all times and dates hereinafter mentioned, defendant, CITY OF NEW YORK, owned the Ferryboat ANDREW J. BARBERI.

3. At all times hereinafter mentioned, defendant, CITY OF NEW YORK, operated the Ferryboat ANDREW J. BARBERI.

4. At all the times and dates hereinafter mentioned, defendant, CITY OF NEW YORK, controlled the Ferryboat ANDREW J. BARBERI.

5. At all times and dates hereinafter mentioned, plaintiff was a member of the crew of the Ferryboat ANDREW J. BARBERI and an employee of the defendant.

6. That on or about August 5, 2020, without any fault on the part of the plaintiff, and wholly and solely by reason of the negligence, recklessness and carelessness of defendant, CITY OF NEW YORK, its agents, servants and/or employees, and by reason of the unseaworthiness of the Ferryboat ANDREW J. BARBERI, plaintiff sustained injuries to his right shoulder, requiring multiple surgeries, while lifting a storage box cover.

7. As a result of the foregoing, plaintiff was rendered sick, sore, lame and disabled and sustained severe permanent personal injuries, was and is internally and externally disabled causing him to suffer pain, and for a time he was prevented from attending to his daily labors, thereby losing sums of money which he otherwise would have earned as wages, and has

endeavored to be cured of his injuries, and has expended sums of money to maintain himself, and will continue to endure pain and suffering, all to his damage.

8. By reason of the foregoing, plaintiff has been damaged in the sum of TWO MILLION (\$2,000,000.00) DOLLARS.

SECOND COUNT

9. Plaintiff repeats and realleges each and every allegation of the First Count in this Complaint as if fully set forth at length herein.

10. Plaintiff is entitled to maintenance, cure, and medical expenses for the period that he was disabled and unable to work in the total sum of FIFTY THOUSAND (\$50,000.00) DOLLARS.

WHEREFORE, plaintiff, MICHAEL KOCH, demands judgment against defendant, CITY OF NEW YORK, in the First Count in the sum of TWO MILLION (\$2,000,000.00) DOLLARS; and in the Second Count in the sum of FIFTY THOUSAND (\$50,000.00) DOLLARS; together with interest and costs.

Dated: New York, New York
May 16, 2023

FRIEDMAN, JAMES & BUCHSBAUM LLP
Attorneys for Plaintiff

By: */S/ Bernard D. Friedman*

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